

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:16-cv-03088-
)	ELR
STATE OF GEORGIA,)	
)	
Defendant.)	
)	

**JOINT MOTION TO EXPAND ORAL ARGUMENT AND
INCORPORATED BRIEF IN SUPPORT**

Plaintiff United States of America (“United States”) and Defendant State of Georgia (“State”), by and through below counsel of record, submit this Joint Motion to Expand Oral Argument and Incorporated Brief in Support seeking an expansion of the oral argument set by this Court’s January 9, 2024 order to include the United States’ Motion for Partial Summary Judgment [Doc. 395], Motion to Exclude the Declaration of Dante McKay [Doc. 439], and Motion in Limine to Partially Exclude Testimony of Dr. Andrew Wiley, Ph.D.¹ [Doc. 476].

On January 9, 2024, this Court entered an order [Doc. 475] granting the State’s

¹ The Parties agree that the State’s joinder to this Joint Motion is to promote judicial efficiency, and by so doing, the State does not waive any argument in opposition to the motions the United States seeks to argue before the Court.

Unopposed Motion for Oral Argument on its Motion for Summary Judgment [Doc. 429], Motion to Exclude Testimony of Dr. Amy McCart [Doc. 431], and Motion to Exclude Testimony of Dr. Robert Putnam [Doc. 428]. The January 9, 2024 order set oral argument for April 18, 2024 at 10:00 a.m. and directed the parties to file, no later than April 4, 2024, a joint proposed schedule for the hearing indicating the amount of time each side requests for oral argument on the motions at issue. [Doc. 475].

This Court possesses broad discretion to determine whether to set an oral hearing on a motion and directs parties seeking such a hearing to “specify the particular reasons argument may be helpful to the Court and what issues will be the focus of the proposed argument.” *Instructions for Cases Assigned to the Honorable Eleanor L. Ross* at 8.

Both the State’s Motion for Summary Judgment [Doc. 429] and the United States’ Motion for Partial Summary Judgment [Doc. 395] address the contested issue of whether the State administers the Georgia Network for Educational and Therapeutic Support (“GNETS”) Program for purposes of the Americans with Disabilities Act (“ADA”). Because both the State’s Motion for Summary Judgment, which is slated to be heard during the April 18, 2024 oral argument, and the United States’ Motion for Partial Summary Judgment address the same issue, the Parties agree that allowing oral argument on both will ensure that this Court has the benefit of argument on all of the factual and legal issues before it and that the Court can

hear and decide those issues in an efficient way.

Likewise, expanding oral argument to include the two motions in limine filed by the United States—the Motion to Exclude the Declaration of Dante McKay [Doc. 439] and the Motion in Limine to Partially Exclude Testimony of Dr. Andrew Wiley, Ph.D. [Doc. 476]—will not only help ensure the Court’s complete understanding of the expert and other testimony the parties offer in this litigation, including for purposes of summary judgment, but will also facilitate the efficient resolution of challenges to that testimony.

For the reasons outlined above, the parties’ Joint Motion to Expand Oral Argument should be granted. A proposed order is attached.

Dated: February 14, 2024

Respectfully submitted:

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/s/ Aileen Bell Hughes

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UNITED STATES OF AMERICA,

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Certificate of Compliance

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing motion has been prepared using Times New Roman, 14-point font.

February 14, 2024.

/s/ Kelly Gardner Womack

KELLY GARDNER WOMACK

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

February 14, 2024.

/s/ Kelly Gardner Womack

KELLY GARDNER WOMACK